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BOX PATENT
Attorney Docket No. 24899

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

FISH et al.

Serial No. 09/263,801

Examiner H. Lonsberry

Filed: March 6, 1999

Group Art Unit: 2611

For: **METHOD AND APPARATUS FOR PUSH AND PULL DISTRIBUTION
OF MULTIMEDIA**

DECLARATION UNDER 37 C.F.R §1.131

The Commissioner for Patents
Washington, D.C. 20231

Sir:

NOW COME the undersigned and declare that:

- 1) I, Laurence A. Fish, a citizen of the United States, have an address of 1840 Lyndon Road, San Diego, California.
- 2) I, Roswell R. Roberts, III, a citizen of the United States, have an address of 12191 Salix Way, San Diego, California.
- 3) I, Lowell E. Teschmacher, a citizen of the United States, have an address of 1410 Cressa Court, Carlsbad, California.
- 4) I, Anibal-Jose Rivero, a citizen of the United States, have an address of 7922 Calle San Felipe, Carlsbad, California.
- 5) That we are all the coinventors named in the above-identified application for Letters Patent.
- 6) The following facts show completion of the presently claimed invention in the United States of America, on

a date prior to the twenty-seventh (27th) day of March NINETEEN HUNDRED AND NINETY-SEVEN (1997), which date is, upon information and belief, the filing date of the Kikinis patent (U.S. Patent No. 6,205,485). This date is hereinafter sometimes referred to as the "Kikinis filing date".

- 7) We invented the claimed subject matter of the present invention prior to the Kikinis filing date.
- 8) Attached hereto and made a part of this affidavit are Exhibits A through J.
- 9) Exhibits A and C through F are excerpts taken from the System Specification for the "ExpressNet" technology for StarGuide Digital Networks, Inc.
- 10) Exhibits B and G through J are excerpts taken from the Design Specification for the "ExpressNet" technology for StarGuide Digital Networks, Inc.
- 11) Exhibit A is a copy of page 4 of the System Specification for the "ExpressNet" technology for StarGuide Digital Networks, Inc. Exhibit A shows a schematic view of a delivery server that automates the delivery of digitized content through satellite and terrestrial connections. In particular, Exhibit A shows producer PC workstations, connected by 2-way terrestrial telecommunications lines to a delivery server, which is connected by a one-way satellite connection to satellite affiliate PC workstations and by two-way terrestrial telecommunications lines to both the satellite affiliates and general clients. Exhibit A is identical to Figure 1 of the captioned application.
- 12) Exhibit B is a copy of page 11 of the Design Specification for the "ExpressNet" technology for StarGuide Digital Networks, Inc. Exhibit B shows a schematic view of the satellite transmission of the invention, showing use of the StarGuide® satellite uplink and downlink/receiver-router. In particular, Exhibit B shows the delivery server's file server which maintains a file system of packages or envelopes and their associated media files. The file server runs BFTP service and is connected by two-way TCP/IP connection to a TCP/IP router. The multicast router

is connected by a synchronous connection to an Uplink Mux/Modem, the output of which is fed through a satellite uplink then through a third party satellite and into a satellite downlink. The satellite signal is then fed from the downlink into a prepermitted StarGuide II® Satellite Receiver which demultiplexes the signal received from the satellite and sends the signal via a TCP/IP connection to the affiliate PC, which receives and stores the received envelope and associated media files. Exhibit B is identical to Figure 2 of the captioned application.

- 13) Exhibit C is a copy of page 8 of the System Specification for the "ExpressNet" technology for StarGuide Digital Networks, Inc. Exhibit C shows a schematic view of the envelope structure in order to package and deliver files through the system. In particular, Exhibit C shows an envelope, the associated media or data files and optionally a home HTML page. Exhibit C is identical to Figure 3 of the captioned application.
- 14) Exhibit D is a copy of page 9 of the System Specification for the "ExpressNet" technology for StarGuide Digital Networks, Inc. Exhibit D shows a schematic view of how data and files flow through the delivery side of the system shown in Exhibit A. In particular, Exhibit D shows a Producer workstation which includes third party production tools such as an audio encoder, a video encoder and a word processor. All the produced files are stored on the producer's hard drive and are packaged with a packager application, which may add additional information as shown in Exhibit C in the form of an "envelope" and are delivered via a telecommunications line to the Delivery Server. The Delivery Server runs a mailman software agent, a traffic cop software agent, a satellite software agent, web-site software and has a delivery database. Exhibit D is identical to Figure 4 of the captioned application.
- 15) Exhibit E is a copy of page 10 of the System Specification for the "ExpressNet" technology for StarGuide Digital Networks, Inc. Exhibit E shows a schematic view of how data and files flow through the delivery server to the satellite uplink for broadcast through satellite. In particular, Exhibit E shows the

Deliver Server which runs a mailman software agent, a traffic cop software agent, a satellite software agent, web-site software and has a delivery database. The mailman agent continuously scans its software inbox for envelopes submitted by producers and upon detection of an envelope in the inbox, the mailman agent reads the envelope, determines the identity of the associated files and verifies that the delivery server has received all files identified in the envelope, completed any value added services for the envelope or its associated files and stored them on a hard disk on the delivery server. After the files are stored on the hard disk, the mailman agent emails the envelope to all clients addressed in the envelope according to addresses stored in the delivery addressing database. If any client is a satellite affiliate, the mailman will also submit the package to the satellite agent which queues the package for repeated broadcasting over the satellite. Exhibit E is identical to Figure 5 of the captioned application.

- 16) Exhibit F is a copy of page 11 of the System Specification for the "ExpressNet" technology for StarGuide Digital Networks, Inc. Exhibit F shows a schematic view expanding on the functions of the delivery server shown in Exhibit E and shows how the delivery server also manages the delivery of data and files through terrestrial telecommunications connections and through manual delivery services. In particular, Exhibit F shows a client or affiliate workstation which runs affiliate software including a polling agent that automatically places a phone call to the delivery server at intervals or specific times set by the delivery server or upon receipt of a "tickle" or triggering communication received from the delivery server, which takes place by the delivery server dialing the phone number for the affiliate or client in order to cause one or two telephonic rings to take place on the modem of the affiliate or client through the two-way communication line. The affiliate or client modem is set so that it will not answer with only two rings. A "tickle" monitor associated with the polling software monitors the modem and recognizes the ringing or "tickle" which causes the polling agent to call the delivery server, log-in to the server and pick up any packages waiting at the server for delivery to the client or affiliate. Upon connecting

to the server, the client or affiliate exchanges any awaiting messages with the server and checks its inbox for any newly arrived messages or envelopes. Upon review of the newly received envelopes, the delivery agent running in association with the browser determines if any envelopes indentify any packages of files not already received by the client or affiliate and stored on its hard disk. For any file not already present on the hard disk, the delivery agent requests and obtains an FTP transfer of the missing file from the server to the client or affiliate hard disk associated with the delivery agent. Upon automatic completion of these tasks and transfer of all envelopes and files addressed to the client or affiliate, the client or affiliate hangs up automatically. By doing this, the server accomplishes a combination "push-pull" of the package(s) for the client or affiliate. The "push" takes place by tickling the client or affiliate to inform it that the server has content to deliver to the client or affiliate to inform it that the server has content to deliver to the client or affiliate. The client or affiliate then responds to the push or tickle by calling into the server to pull the content from the server. Once the delivery agent determines that the contents of a given package are completely received by the client or affiliate, the delivery agent causes the client or affiliate to send an email to the server confirming delivery of the package to the client or affiliate, and the delivery agent flags all received packages for display to a user through the browser to the client or affiliate. The delivery server is also able to generate a comprehensive list of packages that are to be manually shipped, such as by air express or ground delivery, to clients or affiliates that have not or cannot receive the package by satellite or terrestrial connections. Exhibit F is identical to Figure 6 of the captioned application.

- 17) Exhibit G is a copy of page 3 of Design Specification for the "ExpressNet" technology for StarGuide Digital Networks, Inc. Exhibit G shows a flow chart of how the Mailman and Traffic Copy routines run in the Mailroom application on the delivery server. In particular, these two applications monitor their respective inboxes to receive and process envelopes

and status confirmations. Exhibit G is identical to Figure 7 of the captioned application.

- 18) Exhibit H is a copy of page 4 of Design Specification for the "ExpressNet" technology for StarGuide Digital Networks, Inc. Exhibit H shows a flow chart of how the Mailroom application operates on the delivery server. In particular, Exhibit H shows the subprocesses Validate, Addressing, Verify, Satellite, Forwarding and Confirmation, which are addressed separately in Exhibits I and J below. Exhibit H is identical to Figure 8 of the captioned application.
- 19) Exhibit I is a copy of page 5 of Design Specification for the "ExpressNet" technology for StarGuide Digital Networks, Inc. Exhibit I shows a flow chart of how the Validate, Verify and Addressing programs run in the Mailroom application. Exhibit I is identical to Figure 9 of the captioned application.
- 20) Exhibit J is a copy of page 6 of Design Specification for the "ExpressNet" technology for StarGuide Digital Networks, Inc. Exhibit I shows a flow chart of how the Satellite, Confirmation and Forwarding programs run in the Mailroom application. Exhibit J is identical to Figure 10 of the captioned application.
- 21) The work done as reported in each of Exhibits A through J was done in the United States of America. The material written on the originals corresponding to these exhibits was written in the United States of America. The invention was reduced to practice in the United States of America.
- 22) We actually reduced to practice the subject matter of the present invention prior to the twenty-seventh (27th) day of March NINETEEN HUNDRED AND NINETY-SEVEN (1997), which date is, upon information and belief, the filing date of the Kikinis patent (U.S. Patent No. 6,205,485).
- 23) All statements made herein of my own knowledge are true. All statements made herein upon information and belief are believed to be true. We understand that willful false statements and the like are punishable

by fine or imprisonment, or both under the provisions of 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

24) Further declarants sayeth naught.

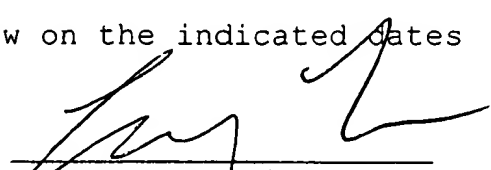
WITNESS our signatures below on the indicated dates

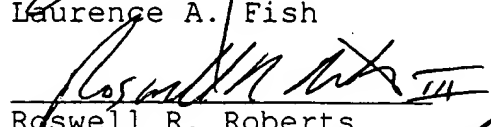
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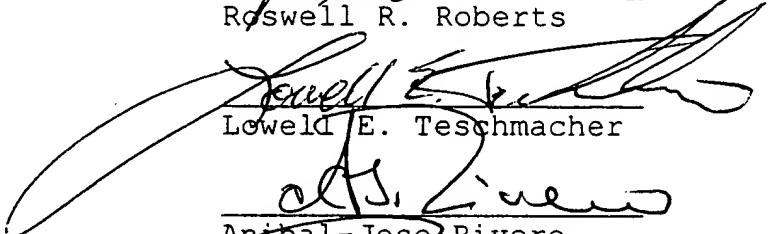
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